

**AIRPORT LAND USE AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Melissa G. Ballard**

Senate Sponsor: Wayne A. Harper

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**LONG TITLE**

**General Description:**

This bill enacts provisions related to compatible land use plans near certain private airports.

**Highlighted Provisions:**

This bill:

- ▶ defines terms related to private airports;
- ▶ requires local governments to create and maintain a compatible use plan to provide notice of potential impacts of the operations of certain private airports and encourage land use decisions that are compatible with the private airport;
- ▶ requires local governments to publish and record notice of the compatible use plans;
- ▶ allows a private airport owner to purchase an air right or avigation easement; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**72-10-102**, as last amended by Laws of Utah 2023, Chapter 216

ENACTS:



28 [10-9a-538](#), Utah Code Annotated 1953  
29 [17-27a-534](#), Utah Code Annotated 1953  
30 [72-10-416](#), Utah Code Annotated 1953

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32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **10-9a-538** is enacted to read:

34 **10-9a-538. Land use compatibility with significant private airports.**

35 (1) As used in this section:

36 (a) "Compatible use plan" means a compatible use plan pertaining to a significant  
37 private airport as described in this section.

38 (b) "Significant private airport" means the same as that term is defined in Section  
39 [72-10-102](#).

40 (2) (a) Except as provided in Subsection (2)(b), on or before July 1, 2025, for any area  
41 in a municipality within 5,000 feet of a boundary of a runway of a significant private airport, a  
42 municipality shall develop and maintain a compatible use plan:

43 (i) to ensure permitted uses and conditional uses near a significant private airport are  
44 compatible with the safe operation of the significant private airport and safe development of  
45 neighboring lands;

46 (ii) to provide guidelines for appropriate zoning near a significant private airport; and

47 (iii) to provide notice of potential impacts of the airport, including noise, vibration,  
48 fumes, risk of aviation accidents, and other disturbances.

49 (b) To develop the compatible use plan, a municipality may consult with the Federal  
50 Aviation Administration for an obstruction evaluation.

51 (3) A municipality shall publish the compatible use plan on the municipality's website.

52 (4) A municipality shall record with the county recorder and against any parcel within  
53 5,000 feet of a runway of a significant private airport a notice of the airport compatible use  
54 plan.

55 Section 2. Section **17-27a-534** is enacted to read:

56 **17-27a-534. Land use compatibility with significant private airports.**

57 (1) As used in this section:

58 (a) "Compatible use plan" means a compatible use plan pertaining to a significant

59 private airport as described in this section.

60 (b) "Significant private airport" means the same as that term is defined in Section  
61 72-10-102.

62 (2) (a) Except as provided in Subsection (2)(b), on or before July 1, 2025, for any area  
63 in a county within 5,000 feet of a boundary of a runway of a significant private airport, a  
64 county shall develop and maintain a compatible use plan:

65 (i) to ensure permitted uses and conditional uses near a significant private airport are  
66 compatible with the safe operation of the significant private airport and safe development of  
67 neighboring lands;

68 (ii) to provide guidelines for appropriate zoning near a significant private airport; and

69 (iii) to provide notice of potential impacts of the airport, including noise, vibration,  
70 fumes, risk of aviation accidents, and other disturbances.

71 (b) To develop the compatible use plan, a county may consult with the Federal  
72 Aviation Administration for an obstruction evaluation.

73 (3) A county shall publish the compatible use plan on the county's website.

74 (4) A county shall record with the county recorder and against any parcel within 5,000  
75 feet of a runway of a significant private airport a notice of the compatible use plan.

76 Section 3. Section **72-10-102** is amended to read:

77 **72-10-102. Definitions.**

78 As used in this chapter:

79 (1) "Acrobatics" means the intentional maneuvers of an aircraft not necessary to air  
80 navigation.

81 (2) (a) "Advanced air mobility system" means a system that transports individuals and  
82 property using piloted and unpiloted aircraft, including electric aircraft and electric vertical  
83 takeoff and landing aircraft, in controlled or uncontrolled airspace.

84 (b) "Advanced air mobility system" includes each component of a system described in  
85 Subsection (2)(a), including:

86 (i) the aircraft, including payload;

87 (ii) communications equipment;

88 (iii) navigation equipment;

89 (iv) controllers;

90 (v) support equipment; and

91 (vi) remote and autonomous functions.

92 (3) "Aerial transit corridor" means an airspace volume defining a three-dimensional  
93 route segment with performance requirements to operate within or to cross where tactical air  
94 traffic control separation services are not provided.

95 (4) "Aeronautics" means transportation by aircraft, air instruction, the operation, repair,  
96 or maintenance of aircraft, and the design, operation, repair, or maintenance of airports, or  
97 other air navigation facilities.

98 (5) "Aeronautics instructor" means any individual engaged in giving or offering to give  
99 instruction in aeronautics, flying, or ground subjects, either with or without:

100 (a) compensation or other reward;

101 (b) advertising the occupation;

102 (c) calling his facilities an air school, or any equivalent term; or

103 (d) employing or using other instructors.

104 (6) "Aircraft" means any contrivance now known or in the future invented, used, or  
105 designed for navigation of or flight in the air.

106 (7) "Air instruction" means the imparting of aeronautical information by any aviation  
107 instructor or in any air school or flying club.

108 (8) "Airport" means any area of land, water, or both, that:

109 (a) is used or is made available for landing and takeoff;

110 (b) provides facilities for the shelter, supply, and repair of aircraft, and handling of  
111 passengers and cargo;

112 (c) meets the minimum requirements established by the department as to size and  
113 design, surface, marking, equipment, and operation; and

114 (d) includes all areas shown as part of the airport in the current airport layout plan as  
115 approved by the Federal Aviation Administration.

116 (9) "Airport authority" means a political subdivision of the state, other than a county or  
117 municipality, that is authorized by statute to operate an airport.

118 (10) "Airport operator" means a municipality, county, or airport authority that owns or  
119 operates a commercial airport.

120 (11) (a) "Airport revenue" means~~[-(i)]~~ all fees, charges, rents, or other payments

121 received by or accruing to an airport operator for any of the following reasons:

122 ~~[(A)]~~ (i) revenue from air carriers, tenants, lessees, purchasers of airport properties,  
123 airport permittees making use of airport property and services, and other parties;

124 ~~[(B)]~~ (ii) revenue received from the activities of others or the transfer of rights to others  
125 relating to the airport, including revenue received:

126 ~~[(F)]~~ (A) for the right to conduct an activity on the airport or to use or occupy airport  
127 property;

128 ~~[(H)]~~ (B) for the sale, transfer, or disposition of airport real or personal property, or any  
129 interest in that property, including transfer through a condemnation proceeding;

130 ~~[(H)]~~ (C) for the sale of, or the sale or lease of rights in, mineral, natural, or  
131 agricultural products or water owned by the airport operator to be taken from the airport; and

132 ~~[(IV)]~~ (D) for the right to conduct an activity on, or for the use or disposition of, real or  
133 personal property or any interest in real or personal property owned or controlled by the airport  
134 operator and used for an airport-related purpose but not located on the airport; or

135 ~~[(E)]~~ (iii) revenue received from activities conducted by the airport operator whether  
136 on or off the airport, which is directly connected to the airport operator's ownership or  
137 operation of the airport~~[-and]~~.

138 ~~[(I)]~~ (b) "Airport revenue" includes state and local taxes on aviation fuel.

139 ~~[(b)]~~ (c) "Airport revenue" does not include amounts received by an airport operator as  
140 passenger facility fees pursuant to 49 U.S.C. Sec. 40117.

141 (12) "Air school" means any person engaged in giving, offering to give, or advertising,  
142 representing, or holding himself out as giving, with or without compensation or other reward,  
143 instruction in aeronautics, flying, or ground subjects, or in more than one of these subjects.

144 (13) "Airworthiness" means conformity with requirements prescribed by the Federal  
145 Aviation Administration regarding the structure or functioning of aircraft, engine, parts, or  
146 accessories.

147 (14) "Civil aircraft" means any aircraft other than a public aircraft.

148 (15) "Commercial aircraft" means aircraft used for commercial purposes.

149 (16) "Commercial airport" means a landing area, landing strip, or airport that may be  
150 used for commercial operations.

151 (17) "Commercial flight operator" means a person who conducts commercial

152 operations.

153 (18) "Commercial operations" means:

154 (a) any operations of an aircraft for compensation or hire or any services performed  
155 incidental to the operation of any aircraft for which a fee is charged or compensation is  
156 received, including the servicing, maintaining, and repairing of aircraft, the rental or charter of  
157 aircraft, the operation of flight or ground schools, the operation of aircraft for the application or  
158 distribution of chemicals or other substances, and the operation of aircraft for hunting and  
159 fishing; or

160 (b) the brokering or selling of any of these services; but

161 (c) does not include any operations of aircraft as common carriers certificated by the  
162 federal government or the services incidental to those operations.

163 (19) "Correctional facility" means the same as that term is defined in Section  
164 [77-16b-102](#).

165 (20) "Dealer" means any person who is actively engaged in the business of flying for  
166 demonstration purposes, or selling or exchanging aircraft, and who has an established place of  
167 business.

168 (21) "Experimental aircraft" means:

169 (a) any aircraft designated by the Federal Aviation Administration or the military as  
170 experimental and used solely for the purpose of experiments, or tests regarding the structure or  
171 functioning of aircraft, engines, or their accessories; and

172 (b) any aircraft designated by the Federal Aviation Administration as:

173 (i) being custom or amateur built; and

174 (ii) used for recreational, educational, or display purposes.

175 (22) "Flight" means any kind of locomotion by aircraft while in the air.

176 (23) "Flying club" means five or more persons who for neither profit nor reward own,  
177 lease, or use one or more aircraft for the purpose of instruction, pleasure, or both.

178 (24) "Glider" means an aircraft heavier than air, similar to an airplane, but without a  
179 power plant.

180 (25) "Mechanic" means a person who constructs, repairs, adjusts, inspects, or  
181 overhauls aircraft, engines, or accessories.

182 (26) "Parachute jumper" means any person who has passed the required test for

183 jumping with a parachute from an aircraft, and has passed an examination showing that he  
184 possesses the required physical and mental qualifications for the jumping.

185 (27) "Parachute rigger" means any person who has passed the required test for packing,  
186 repairing, and maintaining parachutes.

187 (28) "Passenger aircraft" means aircraft used for transporting persons, in addition to the  
188 pilot or crew, with or without their necessary personal belongings.

189 (29) "Person" means any individual, corporation, limited liability company, or  
190 association of individuals.

191 (30) "Pilot" means any person who operates the controls of an aircraft while in-flight.

192 (31) "Primary glider" means any glider that has a gliding angle of less than 10 to one.

193 (32) "Private airport" means an airport that is not open or available for public use.

194 [~~32~~] (33) "Public aircraft" means an aircraft used exclusively in the service of any  
195 government or of any political subdivision, including the government of the United States, of  
196 the District of Columbia, and of any state, territory, or insular possession of the United States,  
197 but not including any government-owned aircraft engaged in carrying persons or goods for  
198 commercial purposes.

199 [~~33~~] (34) "Reckless flying" means the operation or piloting of any aircraft recklessly,  
200 or in a manner as to endanger the property, life, or body of any person, due regard being given  
201 to the prevailing weather conditions, field conditions, and to the territory being flown over.

202 [~~34~~] (35) "Registration number" means the number assigned by the Federal Aviation  
203 Administration to any aircraft, whether or not the number includes a letter or letters.

204 [~~35~~] (36) "Secondary glider" means any glider that has a gliding angle between 10 to  
205 one and 16 to one, inclusive.

206 (37) "Significant private airport" means a private airport that:

207 (a) is registered with the Federal Aviation Administration;

208 (b) appears on aeronautical charts published by the Federal Aviation Administration;

209 (c) has more than 50 based aircraft; and

210 (d) has significant infrastructure investment, such as paved runway, lighting, and fuel  
211 facilities.

212 [~~36~~] (38) "Soaring glider" means any glider that has a gliding angle of more than 16  
213 to one.

214 [~~(37)~~] (39) "Unmanned aircraft" means an aircraft that is:

215 (a) capable of sustaining flight; and

216 (b) operated with no possible direct human intervention from on or within the aircraft.

217 [~~(38)~~] (40) "Unmanned aircraft system" means the entire system used to operate an

218 unmanned aircraft, including:

219 (a) the unmanned aircraft, including payload;

220 (b) communications equipment;

221 (c) navigation equipment;

222 (d) controllers;

223 (e) support equipment; and

224 (f) autopilot functionality.

225 [~~(39)~~] (41) "Unmanned aircraft system traffic management" means a traffic  
226 management ecosystem for uncontrolled operations, including unmanned aircraft systems, that  
227 is separate from, but complementary to, the Federal Aviation Administration's air traffic  
228 management system.

229 [~~(40)~~] (42) "Vertiport" means an area of land, or a structure, used or intended to be  
230 used for electric, hydrogen, and hybrid vertical aircraft landings and takeoffs, including  
231 associated buildings and facilities.

232 Section 4. Section **72-10-416** is enacted to read:

233 **72-10-416. Purchase of air rights or avigation easements for private airports.**

234 (1) A person owning a private airport may acquire by purchase or grant an air right, an  
235 avigation easement, or other estate or interest in the property or nonconforming structure or use  
236 in question to ensure safe operations of the private airport.

237 (2) A person owning a private airport may not acquire an air right or avigation  
238 easement through condemnation.

239 Section 5. **Effective date.**

240 This bill takes effect on May 1, 2024.